IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15136 of 2004

Between:

1 Jyothula Ramayyamma W/o late Sri Bhaskar Rao
R/o Gokavaram Village & Mandal, East Godavari District
2 Dasari Varahalamma W/o late Sri Venkanna dora
R/o Gokavaram Village & Mandal, East Godavari District

..... PETITIONER(S)

AND

1 The District Collector, East Godavari District at Kakinada
2 The Revenue Divisional Officer, Rajahmundry, East Godavari District
3 The Mandal Revenue Officer, Gokavaram, East Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents in not releasing the properties ie., a house bearing D. No. 12-78 of Gokavaram and the Agricultural land of an extent of Ac. 0.85 cents situated in S.No. 329 of Gokavaram in East Godavari Distrit belonging to the petitioners, which were attached under the provisions of the Revenue Recovery Act to the petitioners as illegal arbitrary and contrary to the provisions of the Revenue Recovery Act and consequently direct the Respondents to release the said properties to the petitioners forthwith.

Counsel for the Petitioner:MR.N.SIVA REDDY
Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for respondents and both of them agreed to dispose of the writ petition at the admission stage itself.

For due satisfaction of the decrees in O.P.No.50 of 1971 and 41 of 1971 filed under the Motor Vehicles Act, the properties of the petitioners' father were attached. It is stated that during the lifetime of the petitioners' mother, she satisfied the decretal amount payable to the decree holders in O.P.No.50 of 1971 and requested the first respondent-District Collector, East Godavari, to drop further action with regard to their claim amount. Since the petitioners and petitioners' mother, who succeeded the property, failed to deposit the decretal amount, the Government paid the amount of Rs.22,512-75 to the decree holders in O.P.No.41 of 1971. In view of the same, petitioners made representations to the first respondent in the year 1995 and on 31-08-1997 agreeing to pay the entire amount discharged by the Government with interest and costs and requested to release the properties from attachment and deliver the same to the petitioners. Thereupon, it is stated that the first respondent called for a report from the third respondent-Mandal Revenue Officer, Gokavaram, who in turn, submitted a detailed report in his reference No.C.722/85, dated 18-5-1999 to the first respondent recommending for delivery of property to the petitioners on their depositing of the decretal amount, which was discharged by the first respondent.

The grievance of the petitioners is that in spite of the report submitted by the third respondent in the year 1999, so far, no action is forthcoming from the first

respondent either for accepting the amount, which was paid by the first respondent, or for release of the said property.

Having regard to the said fact, since the report has already been submitted by the third respondent to the first respondent, the first respondent is hereby directed to consider the representations made by the petitioners in the year 1995, 31-08-1997 and on
17-07-2003 in the light of the report submitted by the third respondent and pass appropriate orders after due intimation to the petitioners within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

25th AUGUST, 2004.

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To

1 The District Collector, East Godavari District at Kakinada
2 The Revenue Divisional Officer, Rajahmundry, East Godavari District
3 The Mandal Revenue Officer, Gokavaram, East Godavari District

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.(OUT)

5 Two CD copies.